

# MANDATE

N.D.N.Y.  
16-cv-992  
Suddaby, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20<sup>th</sup> day of November, two thousand twenty.

Present:

Debra Ann Livingston,  
*Chief Judge,*  
Amalya L. Kearse,  
Richard C. Wesley,  
*Circuit Judges.*

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Khari Devon Coley,

*Petitioner-Appellant,*

v.

20-600

Superintendent,

*Respondent-Appellee,*

State of New York,

*Respondent.*

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Appellant, pro se, moves to proceed in forma pauperis and for a certificate of appealability. However, this Court has determined sua sponte that the notice of appeal was untimely filed. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED for lack of jurisdiction. *See* 28 U.S.C. § 2107; *Bowles v. Russell*, 551 U.S. 205, 214 (2007). It is further ORDERED that Appellant's motions are DENIED as moot.

A True Copy

Catherine O'Hagan Wolfe, Clerk

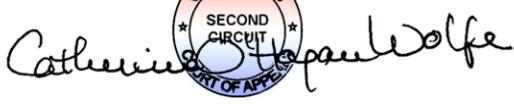
United States Court of Appeals, Second Circuit

 Catherine O'Hagan Wolfe

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court



 Catherine O'Hagan Wolfe

MANDATE ISSUED ON 12/28/2020